

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES WATKINS,

Plaintiff,

Case No. 1:15-cv-997

v.

HON. ROBERT HOLMES BELL

CITY OF KALAMAZOO,

Defendant.

_____ /

ORDER

On October 1, 2015, Plaintiff Charles Watkins filed a *pro se* complaint in this Court, which named only the City of Kalamazoo as a Defendant. (ECF No. 1.) The City filed a motion to dismiss for improper service pursuant to Federal Rule of Civil Procedure 12(b)(5) and for failure to state a claim under Rule 12(b)(6). (ECF No. 5.) On April 19, 2016, United States Magistrate Judge Ray Kent issued a report and recommendation (R&R) (ECF No. 8), recommending that the complaint be dismissed. Subsequently, Plaintiff requested leave to amend his complaint. This Court noted that it agreed with the R&R, but allowed Plaintiff to amend his complaint within 30 days. Plaintiff has done so. Accordingly,

IT IS HEREBY ORDERED that Defendant's motion to dismiss (ECF No. 5) and the Report and Recommendation (ECF No. 8), which were based on Plaintiff's previous complaint, are **DENIED AS MOOT.**

Dated: July 11, 2016

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE